



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 28, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

Robert Raben

Assistant Attorney General

SUBJECT:

Weekly Report for November 27, 2000 - December 1, 2000

The House and the Senate are in recess. The House returns on December 4; the Senate returns on December 5.

**THE WEEK AHEAD**

**Voting:** Acting Associate Attorney General Dan Marcus and Assistant Attorney General Bill Lee will be meeting with Congressman Peter Deutsch on November 28 about his concerns of voter intimidation in Florida. The Congressman and nine other House members wrote to the Department about this on November 24. (Scott-Finan)

**Pardons:** Later this week, staff from the Office of Legislative Affairs, Office of the Deputy Attorney General, the Office of the Pardon Attorney and the White House Counsel's Office plan to meet with the House Judiciary Committee Democratic staff to discuss the pardon process. (Scott-Finan/Pearlman)

**Wen Ho Lee:** Draft responses to questions for the record from Senator Leahy, in follow up of the September 26 and 27 hearings, are being prepared by the Criminal Division. A draft response to the Intelligence Committees and the Senate Judiciary Committee on conditions of confinement is being finalized. Responses to document requests for sealed records and deliberative materials are being deferred until after conclusion of the debrief; Committee staff have been informed of this. Senator Specter's staff have suggested there may be additional hearings in November and December but nothing firm has been announced. (Walter)

**Telecom:** The DeWine/Kohl telecom merger bill [S. 467], which the Department and FBI oppose because it does not provide adequate protections for law enforcement and national security concerns, is among the measures that could be attached to an appropriations or omnibus bill. OMB and appropriations staff have been alerted to the Department's objections and we are monitoring the bill's status. (Walter)

**Leak prosecutions:** In the wake of the President's veto of the Intelligence Authorization bill, we are monitoring how the Hill will respond. Senator Shelby's staff has requested Department assistance in redrafting the leak provision to narrow it; media and civil liberties groups have

asked for a meeting with us to discuss their concerns and their insistence on public hearings before further legislation is considered. OMB has similarly indicated reluctance to get involved in the Committee's redraft without public hearings. House Intelligence staff also indicate that their Committee's members likely will oppose an attempt to resurrect the leak provision in this session without public hearings. The House stripped the leak provision out of the bill and passed the remaining provisions by voice vote. Senator Specter's staff indicate he may try to attach the FISA-related parts of the bill to an appropriations or omnibus package before sine die adjournment. (Walter)

**Council of Europe Convention on Cyber Crime Briefings:** The Departments of State and Justice will brief Senate Foreign Relations Committee staff on Monday, December 4, on the status of the draft convention. (Daley)

**Bankruptcy:** On November 1, Senator Lott brought a cloture vote on bankruptcy reform legislation to the floor. The motion failed to achieve the necessary 60 votes, largely due to Senators who were out of town and could not cast their vote. We do not yet know whether Senator Lott will resubmit the motion when the Senate reconvenes on December 5. The President is currently expected to veto the legislation. Although there may be some reconsideration of next steps, on both sides of the aisle, due to the uncertainty of the Presidential election. (Wilson)

**Use of Controlled Substance During Religious Ceremonies:** Congressman DeFazio's office, on behalf of a constituent church, has requested a meeting with the Deputy Attorney General on their use of a controlled substance during religious ceremonies. Senators Gorton Smith, Ron Wyden and Edward Kennedy are in support of the meeting. DEA has been engaged in preparing a response to a letter from Congressman DeFazio on the same subject. The Deputy Attorney General has requested the criminal division organize and attend the meeting. We hope to have the meeting go forward on December 5. (Owen)

**GAO Review of Offices of Professional Responsibility:** Senator Thurmond, as Chairman of the Senate Judiciary Subcommittee on Criminal Justice Oversight, asked the General Accounting Office (GAO) to conduct a review of the operations and policies in the Offices of Professional Responsibility (OPR) at both the FBI and Main Justice, focusing on OPR activities pertaining to a pending criminal investigation in Boston. We have advised the Subcommittee staff that the OPR report on the matter is under seal by the Court in Boston and that the reasons for the seal, which pertain to the pending criminal investigation, remain. In light of this information and other concerns we have expressed about potential interference in the pending matter, it is not clear that the Subcommittee will ask GAO to pursue their inquiry at this time. (Burton)

**FOIA Request Regarding Our Communications with the House Ethics Committee:** We have been notified that congressional periodical, Roll Call, has requested DOJ records, including OLA attorney notes, regarding our communications with the House Ethics Committee over the past two years about a pending criminal investigation in Boston and a related investigation of the House Ethics Committee about Congressman Bud Shuster. [REDACTED]

[REDACTED]

We are awaiting additional information from the Office of Information and Privacy about how FOIA should be applied to this situation. (Burton)

**Subpoena for House Administrative Records:** We have been working with attorneys on the Campaign Financing Task Force and an Assistant House General Counsel to obtain congressional compliance with a grand jury subpoena for House administration records. The Assistant Counsel insisted upon obtaining information about the underlying investigation before he would facilitate compliance, although he would not agree to keep the information confidential. In conversations over the last week, we believe that we have now provided sufficient information to accommodate his information needs, consistent with our interests in the confidentiality of our grand jury proceedings in general and this investigation in particular. (Burton)

### THE WEEK IN REVIEW

**Police Integrity Efforts:** On November 22, both you and the Deputy Attorney General met with representatives of civil rights groups to report on the Department's efforts in strengthening police community relations. OLA participated in the meeting. (Scott-Finan)

**Deutch Investigation:** On November 22, we informed Senate Intelligence Committee staff working on their draft report on John Deutch of two factual statements that the Committee may wish to recheck before making the report public; staff indicates that no decision has been made at this time by the Members as to whether the report is going to be made public. (Walter)

**Oversight:** On November 20, DOJ supplied the House Judiciary Committee (Hyde, Chair) with additional documents in their oversight investigation into allegations made by DOJ attorney Dan Jacobs. (Pearlman)

**Cyber Crime Meeting:** On November 20, the Office of Legislative Affairs and staff from the Computer Crime and Intellectual Property Section met informally with Ben Lawskey in Senator Schumer's office. The meeting provided an opportunity to review cyber crime issues raised during the 106<sup>th</sup> Congress. (Daley)